

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JOSEPH MALVASIO, a/k/a "Joe Cohen,"  
GREGG MARCUS, a/k/a "Gregg Pierce,"  
and CHRISTOPHER POLK, a/k/a "Myron  
Miles,"

Defendants.

**SEALED SUPERSEDING  
INDICTMENT**

S1 23 Cr. 396 (JGLC)

**COUNT ONE**  
**(Conspiracy to Commit Wire Fraud)**

The Grand Jury charges:

1. From at least in or about March 2017 through at least in or about August 2023, in the Southern District of New York and elsewhere, JOSEPH MALVASIO, a/k/a "Joe Cohen," GREGG MARCUS, a/k/a "Gregg Pierce," and CHRISTOPHER POLK, a/k/a "Myron Miles," the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343.

2. It was a part and an object of the conspiracy that JOSEPH MALVASIO, a/k/a "Joe Cohen," GREGG MARCUS, a/k/a "Gregg Pierce," and CHRISTOPHER POLK, a/k/a "Myron Miles," the defendants, and others known and unknown, knowingly having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme

and artifice, in violation of Title 18, United States Code, Section 1343, to wit, MALVASIO, MARCUS, and POLK, in order to obtain millions of dollars in advance fees, agreed to engage in and engaged in schemes to make false statements to victims seeking private loans, and sent and received, and caused others to send and receive, emails and other electronic communications, to and from the Southern District of New York and elsewhere, in furtherance of those schemes.

(Title 18, United States Code, Section 1349.)

**COUNT TWO**  
**(Wire Fraud)**

The Grand Jury further charges:

3. From at least in or about 2017 through at least in or about August 2023, in the Southern District of New York and elsewhere, JOSEPH MALVASIO, a/k/a “Joe Cohen,” and GREGG MARCUS, a/k/a “Gregg Pierce,” the defendants, knowingly having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, to wit, MALVASIO and MARCUS, in order to obtain millions of dollars in advance fees, engaged in a scheme through a business called “Global Capital Partners Fund” to make false statements to victims seeking private loans, and sent and received, and caused others to send and receive, emails and other electronic communications, to and from the Southern District of New York and elsewhere, in furtherance of that scheme.

(Title 18, United States Code, Sections 1343 and 2.)

**COUNT THREE**  
**(Wire Fraud)**

The Grand Jury further charges:

4. From at least in or about 2019 through at least in or about August 2023, in the Southern District of New York and elsewhere, JOSEPH MALVASIO, a/k/a “Joe Cohen,” and CHRISTOPHER POLK, a/k/a “Myron Miles,” the defendants, knowingly having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, to wit, MALVASIO and POLK, in order to obtain millions of dollars in advance fees, engaged in a scheme through businesses called “Harbor Equity” and “Commercial Private Equity” to make false statements to victims seeking private loans, and sent and received, and caused others to send and receive, emails and other electronic communications, to and from the Southern District of New York and elsewhere, in furtherance of that scheme .

(Title 18, United States Code, Sections 1343 and 2.)

**FORFEITURE ALLEGATION**

5. As a result of committing the offenses alleged in Counts One, Two, and Three of this Superseding Indictment, JOSEPH MALVASIO, a/k/a “Joe Cohen,” GREGG MARCUS, a/k/a “Gregg Pierce,” and CHRISTOPHER POLK, a/ka “Myron Miles,” the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the

commission of said offenses, including but not limited to any and all money in the following bank accounts:

a. All monies and assets on deposit on account number 6099389220 at Wells Fargo Bank held in the name of Global Capital Partners Fund LLC.

b. All monies and assets on deposit on account number 3660470604 at Wells Fargo Bank held in the name of Global Capital Partners Fund LLC.

c. All monies and assets on deposit on account number 5927478874 at Wells Fargo Bank held in the name of Global Capital Partners Fund LLC.

d. All monies and assets on deposit on account number 5927119593 at Wells Fargo Bank held in the name of Global Capital Partners Fund LLC.

e. All monies and assets on deposit on account number 8166630031 at Wells Fargo Bank held in the name of Gregg Marcus.

f. All monies and assets on deposit on account number 6481293048 at Wells Fargo Bank held in the name of Gregg Marcus.

g. All monies and assets on deposit on account number 2488641149 at Wells Fargo Bank held in the name of Hawksnest Properties Inc.

h. All monies and assets on deposit on account number 1503880047 at Flagstar (formerly Signature) Bank held in the name of Gregg Marcus.

i. All monies and assets on deposit on account number 1503880055 at Flagstar (formerly Signature) Bank held in the name of Gregg Marcus.

j. All monies and assets on deposit on account number 1503879995 at Flagstar (formerly Signature) Bank held in the name of Global Capital Partners Fund LLC.

k. All monies and assets on deposit on account number 1501052228 at Flagstar (formerly Signature) Bank held in the name of Gregg [REDACTED] Marcus.

l. All monies and assets on deposit on account number 9980490914 at Citibank held in the name of JAM, Inc.

m. All monies and assets on deposit on account number 9960107498 at Citibank held in the name of National Commercial Mortgage Inc.

n. All monies and assets on deposit on account number 6869831350 at Citibank held in the name of National Commercial Mortgage Inc.

o. All monies and assets on deposit on account number 256155157 at TD Ameritrade, held in the name of Malco Real Estate Inc.

p. All monies and assets on deposit on account number 488926505 at TD Ameritrade, held in the name of JAM Incorporated.

q. All monies and assets on deposit on account number 495804596 at TD Ameritrade, held in the name of Hawksnest Properties Inc.

**Substitute Assets Provision**

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or

has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981;  
Title 21, United States Code, Section 853; and  
Title 28, United States Code, Section 2461.)

  
\_\_\_\_\_  
FOREPERSON  
\_\_\_\_\_  
MATTHEW PODOLSKY  
Acting United States Attorney